

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
22-46836

In re application of: Robert B. Rieveley

Group Art Unit:

Application No. 08/804,903

Batch No.

Filed: February 24, 1997

Examiner:

For: METHOD AND COMPOSITION FOR THE TREATMENT OF DIABETES

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, DC 20231

**RECEIVED**  
DEC 8 1997  
OFFICE OF PETITIONS  
DEPT. OF COMMERCE

The above-identified patent application became abandoned for failure to file a timely and proper response to the Notice to File Missing Parts mailed on May 16, 1997, which set a two month period for response. The abandonment date of this application is July 6, 1997. Applicant certifies that the Notice to File Missing Parts was never received at the correspondence address listed on the Associate Power of Attorney filed with the patent application on February 24, 1997. Applicant therefore requests a refund of the petition fee set forth in 37 CFR § 1.17(m) (enclosed herewith) to Deposit Account No 02-4550.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**
**1. Petition fee**

- (X) Small entity - fee \$ 605.00 (37 CFR § 1.17(m))  
 ( ) Small entity statement enclosed herewith.  
 (X) Small entity statement previously filed.  
 ( ) Other than small entity - fee \$1210.00 (37 CFR § 1.17(m))

**2. Proposed response and/or fee**

- A. The proposed response and/or fee in response to the above-noted Notice to File Missing Parts:  
 ( ) has been filed previously on \_\_\_\_\_.  
 (X) is enclosed herewith.
- B. The issue fee of \$605.00  
 ( ) has been paid previously on \_\_\_\_\_.  
 ( ) is enclosed herewith  
 (X) is not yet required.

3. Terminal disclaimer with disclaimer fee

(X) Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

( ) A terminal disclaimer (and disclaimer fee (37 CFR § 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Where a petition under 37 CFR § 1.137(b) is not filed within three months from the mail date of a notice of abandonment or one year from the date of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing this petition.

December 4, 1998

Date

*William D. Noonan*

Signature

Telephone

Number: (503) 226-7391

William D. Noonan, M.D.

Typed or printed name

Klarquist Sparkman Campbell Leigh & Whinston, LLP  
One World Trade Center  
121 SW Salmon Street, Suite 1600  
Portland, Oregon 97202

Enclosures: (X) Response  
(X) Fee Payment

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with the sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

December 4, 1998

Date

*William D. Noonan*

Signature

William D. Noonan, M.D.

Typed or printed name of person signing Certificate

Attorney's Matter No. 22-46836

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit

Robert B. Rieveley

Application No. 08/804,903

Filed: February 24, 1997

For: METHOD AND COMPOSITION FOR  
THE TREATMENT OF DIABETES

Examiner:

Date: December 4, 1998

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 4, 1998 as First Class Mail in an envelope addressed to: BOX DAC, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*William D. Noonan*  
William D. Noonan, M.D.  
Attorney for Applicant

**RECEIVED**  
DEC 8 1998  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

EXPLANATION OF DELAY IN FILING PETITION TO REVIVEASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231

The Notice of Missing Parts in this application was never received by the applicant's attorney. The first notification applicants had that the application had become abandoned was the Notice of Abandonment dated November 16, 1998, which was received by applicant's attorney on November 30, 1998.

Since applicant's attorney had received the postcard receipt from the Patent and Trademark Office (PTO) (copy attached), this case had been removed from the attorney's docket, because receipt of the application had been confirmed by the PTO. According to the Notice of Abandonment, a Notice of Missing Parts was mailed on May 6, 1997, and it is expected that a two month period set for response was set, making a response due by July 6, 1997. That Notice of Missing Parts was never received at applicant's attorney's firm.

All documents received from the PTO are processed through the firm's docketing department, and entered into the docketing system. No entry for July 6, 1997 (the date that the Missing Parts would presumably have been due) appears in the firm's docketing calendar (a copy of all entries for that date is attached). Moreover, there is no

copy of the Notice of Missing Parts in the file, and there is no entry on the front of the file, under the heading of Actions and Amendments, indicating that a Notice of Missing Parts was ever received from the PTO. It is the policy of the firm that all documents filed with and received from the PTO are entered on the front of the file when they are placed in the file. A copy of the front of the file is attached, showing only that the Information Disclosure Statement was filed on May 12, 1997.

Applicant's have no record of having received the Notice of Missing Parts. Although a Petition to Revive has been filed with the appropriate fee, applicant requests that the \$605 fee be refunded and the holding of abandonment be withdrawn.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391

By \_\_\_\_\_  
William D. Noonan, M.D.  
Registration No. 30,878

cc: Gerald O.S. Oyen, Esq.  
S:\WPDOCS\WDN\FORMS\TRANSMIS.PAR

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket Date	Client	Matter Number	Matter Description Response Due	Action Remark	Page 1 Official Number Country/Court
07/03/98	SHAKLEE CORP. (INT', RJP KSK	P37096	NATURAL ANTIOXIDANT COMPOSITIONS DEF. EXAM	INSTRUCTIONS INSTR TO ASSOC 6/18/98	171179-91 JAPAN
	____ REMOVE - Comment:				
07/03/98	04359 INTERLAB, INC. JOP DJE	P41724	XANTHONE ANALOGS FOR THE TREATMENT OF I 3 MON OFFICE ACTION	2 MON EXTENSION	08/619063 USA
	____ REMOVE - Comment:				
07/03/98	00450 FREIGHTLINER CORP DPP JRM	P44297	A TRUCK WITH MONITORED AND RESETTABLE E 3 MON OFFICE ACTION	3 MON RESPONSE	08/673697 USA
	____ REMOVE - Comment:				
07/03/98	04805 TREE CONNECTION DPP RJP	P46559	APPLE TREE NAMED "Pi-A 11,124 MISSING PARTS	EXTENSION TO PTO 6/17/98	09/003093 USA
	____ REMOVE - Comment:				
07/03/98	04371 EDX ENGINEERING, IN B GAW	L46798	EDX ENGINEERING, INC. V. ADVANCED SIGNA DEF TESTIMONY CLOSE	DEF TEST CLOSE	26,116
	____ REMOVE - Comment:				
07/03/98	05564 MICROMANIPULATOR CO JEG	L47342	CASCADE MICROTECH, INC. V. MICROMANIPUL DISPOSITIVE MOTIONS	MOTIONS DUE	97-479-AI
	____ REMOVE - Comment:				
07/03/98	04239 NATIONAL INSTITUTES WDN DJE	P47578	IDENTIFICATION OF THE NIEMANN-PICK C GE PROVISIONAL APPLICATION DATES	PROV/FFDEADLINE	60/051682 USA
	____ REMOVE - Comment:				
07/03/98	00450 FREIGHTLINER CORP L48793		FRANK T. BUCKLEY, JR. V. PACCAR INC., E RESP TO BUCKLEY'S 1ST INTERROGS	E RESPONSE	AW-97-3425 DISTRICT OF MARYL

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

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Docket	Client	Matter Number	Matter Description Response Due	Action Remark	Official Number Country/Court
JDV JTJ					
----- REMOVE - Comment: -----					
07/03/98 01505		P48819	VARIABLE BARRIER DIODE PROVISIONAL APPLICATION DATES	PROV/FFL EXT	60/067798 USA
----- REMOVE - Comment: -----					
07/03/98 00612		T49351	KEYSAFE OFFICE LETTER	REPLY DUE TO BE ABANDONED	12136/97 HONG KONG
WYC GVB					
----- REMOVE - Comment: -----					
07/03/98 00612		T49352	KEYSAFE OFFICIAL LETTER	RESPONSE DUE TO BE ABANDONED	12135/97 HONG KONG
WYC GVB					
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07/03/98 00450		P49775	TRUCK RAIL FRAME IDS	IDS	09/054938 USA
DPP JWS					
----- REMOVE - Comment: -----					
07/03/98 03382		P49989	METHOD AND SYSTEM FOR VIEW-DEPENDENT RE PCT DEADLINES	PRECAUT DESIGNT	US98/06623 PATENT COOPERATIO
WYC SAW					
----- REMOVE - Comment: -----					
07/03/98 03382		P49990	METHOD AND SYSTEM FOR ADAPTIVE REFINEME PCT DEADLINES	PRECAUT DESIGNT	US98/06692 PATENT COOPERATIO
WYC SAW					
----- REMOVE - Comment: -----					
07/04/98 01655		P35342	TRAILER DUMPER DEF. EXAM	DEF. EXAM	2046194 CANADA
KSK					
----- REMOVE - Comment: -----					

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket	Client	Matter Number	Matter Description Response Due	Action Remark	Official Number Country/Court	Page
07/04/98 05265	RUSSELL R. HOLTZ	P46618	METHOD OF IMPROVING OUTCOME OF CARDIOPU PCT DEADLINES	CHAPTER II DEMD	US97/22103 PATENT COOPERATIC	3
WDN						
07/04/98 03812	FANCONI ANEMIA RESE	P48615	CDNA FOR FANCONI ANEMIA COMPLEMENTATION PCT DEADLINES	NAT'L PHASE 21M	US97/18010 PATENT COOPERATIC	
RJP DJE						
07/04/98 04239	NATIONAL INSTITUTES	P49873	CYCLIN DEPENDENT KINASE (CDK) 4 INHIBIT INVITATION TO CORRECT DEFECTS	REPLY	US98/08602 PATENT COOPERATIC	
WDN SCS AWB						
07/05/98 00449	FRED MEYER, INC.	T34454	GLACIERS EDGE SEC 8 & 15	6 MON REMINDER	120275 USA	
KSK						
07/05/98 01011	MENTOR GRAPHICS COR	T35332	IDEALEASE SEC 8 & 15	6 MON REMINDER	192505 USA	
P RAK						
07/05/98 03847	PENNTech PAPERS, IN	T35785	PENNCOPY & DESIGN SEC 8 & 15	6 MON REMINDER	121559 USA	
JSL						
07/05/98 00449	FRED MEYER, INC.	T36427	FRED BEAR SEC 8 & 15	6 MON REMINDER	272855 USA	
KSK						
07/05/98 00245	WASTE TREATMENT SYSTEM EMPLOYING OPEN C	P37849	1 MON EXTENSION		08/730514	

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Docket	Date	Client	Matter Number	Matter Description	Response Due	Action Remark	Official Number	Country/Court	Page
RJP DJE		OREGON STATE UNIVER			3 MON FINAL OFFICE ACTION			USA	4
		___ REMOVE - Comment:							
07/05/98	03897	BLOUNT, INC.	T38184	SPEER	TM RENEWAL	2 MON REMINDER	135772	USA	
		___ REMOVE - Comment:							
07/05/98	03382	MICROSOFT CORPORATI	P41920	MORPHOLOGICAL SEARCH AND REPLACE NOTIFICATION OF NON-COMPLIANCE		RESPONSE	08/491750	USA	
		___ REMOVE - Comment:							
07/05/98	02621	METRO ONE TELECOMMU	T44680	METRO ONE	"COOLING-OFF" PHASE TERMINATES	"COOLING-OFF"	139758	COMMUNITY TRADEM	
		___ REMOVE - Comment:							
07/05/98	04641	NIKON	P45599	ENVIRONMENTAL SCANNING ELECTRON MICROSC 3 MON OFFICE ACTION		6 MON DEADLINE TO BE ABANDONED PER CLT 3	08/732163	USA	
		___ REMOVE - Comment:							
07/05/98	04630	WASHINGTON STATE UN	P45757	CONDITIONALLY MALE FERTILE PLANTS AND M 3 MON FINAL OFFICE ACTION		2 MON REMINDER	08/718229	USA	
		___ REMOVE - Comment:							
07/05/98	00450	FREIGHTLINER CORPOR	L48793	FRANK T. BUCKLEY, JR. V. PACCAR INC., E RESP TO BUCKLEY'S 1ST DOC REQUESTS		RESP DOC REQ	AW-97-3425	DISTRICT OF MARYI	
		___ REMOVE - Comment:							
07/05/98	05050	BOISE CASCADE OFFIC	T49111	CONSIDER IT DONE. FOREIGN FILING					
JSL LMC						FF DEADLINE	75/415040	USA	
		FFL SENT 4/6/98							





Docket Date	Client	Matter Number	Matter Description Response Due	Action Remark	Official Number Country/Court
07/06/98	00245 OREGON STATE UNIVER	P48291	FLORAL HOMEOTIC GENES FOR MANIPULATION APPLICATION STATUS	STATUS CHECK	60/080851 USA
DJE RJP					
			REMOVE - Comment:		
07/06/98	04641 NIKON DLS JSL LMC	P48406	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER MISSING PARTS	MISSING PARTS	09/048236 USA
			REMOVE - Comment:		
07/06/98	04239 NATIONAL INSTITUTES WDN DJE	P48989	INHIBITION OF IgE-MEDIATED ALLERGIES BY PCT DEADLINES	CHAPTER II DEMD	US97/22348 PATENT COOPERATIC
			REMOVE - Comment:		
07/06/98	04239 NATIONAL INSTITUTES WDN DJE	P48989	INHIBITION OF IgE-MEDIATED ALLERGIES BY FILE CHAPTER II DEMAND	FILE DEMAND #029-98	US97/22348 PATENT COOPERATIC
			REMOVE - Comment:		
07/06/98	03382 MICROSOFT CORPORATI JJDV JEG RFS	L49466	REIFFIN V. MICROSOFT CORP. INITIAL DISCLOSURE OF PRIOR ART	DISCLOSURE	C98-002666VRW N.D. CAL.
			REMOVE - Comment:		
07/06/98	04641 NIKON DLS JSL MJ	P49555	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER IDS	IDS	09/055814 USA
			REMOVE - Comment:		
07/06/98	04641 NIKON DLS JSL MJ	P49555	CHARGED-PARTICLE-BEAM PATTERN-TRANSFER APPLICATION STATUS	STATUS CHECK	09/055814 USA
			REMOVE - Comment:		
07/06/98	04239 NATIONAL INSTITUTES	P49685	MAMMALIAN SELENOPROTEIN DIFFERENTIALY APPLICATION STATUS	STATUS CHECK	60/080850 USA

Master Docket FROM: 07/03/98 - 07/06/98  
Printed: 07/02/98

Page 7

Docket Date	Client	Matter Number	Matter Description Response Due	Action Remark	Official Number Country/Court
WDN DJE					
			REMOVE - Comment:		
07/06/98		00699	T49866 HATCH BOX FOREIGN FILING	FF LETTER	75/463061 USA
KSK					
			REMOVE - Comment:		
07/06/98		00699	T49866 HATCH BOX APPLICATION STATUS	STATUS CHECK	75/463061 USA
KSK					
			REMOVE - Comment:		
07/06/98		00699	T49867 FLIES WITH ATTITUDE APPLICATION STATUS	STATUS CHECK	75/463278 USA
KSK					
			REMOVE - Comment:		
07/06/98		00699	T49868 WEIGHT FORWARD FOREIGN FILING	FF LETTER	75/463054 USA
KSK					
			REMOVE - Comment:		
07/06/98		00699	T49868 WEIGHT FORWARD APPLICATION STATUS	STATUS CHECK	75/463054 USA
KSK					
			REMOVE - Comment:		
07/06/98		00245	P49877 ZEATIN O-GLUCOSYLTRANSFERASE GENE APPLICATION STATUS	STATUS CHECK	60/080852 USA
DJE RJP					
			REMOVE - Comment:		
07/06/98		04050	P49927 METHOD FOR PRODUCTION OF NUTRITION PHYS IDS	IDS	09/051270 USA
LNC					
			REMOVE - Comment:		

Docket Date	Client	Matter Number	Matter Description	Response Due	Action Remark	Official Number Country/Court
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07/06/98	04050	P49927	METHOD FOR PRODUCTION OF NUTRITION PHYS APPLICATION STATUS		STATUS CHECK	09/051270 USA
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23 REMOVE - Comment:

\*\*\*\*\* MASTER DOCKET PRINT JOB COMPLETED \*\*\*\*\*

Patent No.

Patent Date

Gerald O.S. Oyen, Esq.  
Oyen Wiggs Green & Mutala  
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601/669-3432  
601/681-4081 - Fax

Client Name:

Oyen Wiggs Green &amp; Mutala

USA

Application No.

08/804,903

Inventor(s)

Robert B. Riewley

Application Filed

8/24/97

Date app sent to PTO

8/24/97

Title: *Method and Composition for the Treatment of Diabetes*

## ACTIONS/AMENDMENTS

DATE ACTION

1 5/21/97 ~~105~~ 105

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## ACTIONS/AMENDMENTS

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ACTION

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Entry Status at Filing?

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## U.S. MAINTENANCE

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Corresponding Dockets:

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